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ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

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(+ Annex)
O. Eng.

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Brussels, 12 February 1999.

POSSIBLE AMENDMENTS TO THE NOMENCLATURE AND THE EXPLANATORY
NOTES CONCERNING BELTS AND BELTING

(Item II.A.13 on Agenda)

Reference documents :

41.820 (RSC/17)
41.920, paragraph 4 (RSC/17 - Report)
42.235 (RSC/18)
42.500, Annex B/3 (RSC/18 – Report)

I. BACKGROUND

1. At its 18th Session (October 1998) the Harmonized System Review Sub-Committee examined possible amendments to the Harmonized System nomenclature concerning “belts” and “belting”.
2. The Sub-Committee agreed to examine further at its next session (i) the possible inclusion of references to “belts” in the English version of Note 6 (a) to Chapter 59 and to “belting” in the English version of Note 1 (e) to Section XVI, (ii) the deletion the expression “of textile material” in Note 6 (a) to Chapter 59, and (iii) the substitution of “textile fabric” by “textile material” in Note 8 to Chapter 40 and in Note 6 (b) to Chapter 59.
3. The Secretariat was instructed to prepare a new document on the above issues, taking into account additional information to be furnished by the Canadian Administration.

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II. SECRETARIAT COMMENTS

4. To this day, no additional information has been furnished. Therefore, the Secretariat has prepared its comments on the basis of the initial Canadian proposals (Doc. 42.235 – RSC/18). Draft amendments to the nomenclature are reproduced in the Annex to this document. Consequential amendments to the Explanatory Notes will be prepared when the Sub-Committee has finally decided on the amendments to the nomenclature.

Note 6 (a) to Chapter 59 (“belts”)

5. Concerning the possible introduction of the word “belts” in the English version of Note 6 (a) to Chapter 59, the Secretariat noted that the word “belting” stands for “material for belts”, whereas the word “belt” would refer to the finished product, i.e., not in the piece or cut to length (cf. paragraphs 7 to 14 of Doc. 42.235 (RSC/18)). The introduction of the word “belts” in the English version would, therefore, in the Secretariat’s opinion, create a non-alignment vis-à-vis the French version, which is restricted to “courroies . . . à la pièce ou coupées de longueur” (i.e., “belting” in English). In this context, it would appear appropriate to remind that, following the CCCN Nomenclature Committee’s (NC/56) and Interim Harmonized System Committee’s (IHSC/6) decision to align both versions of Note 6 (a), the word “belts” was deleted from the English version of this Note as from **1 January 1992**. Nonetheless, on the basis of the Canadian proposal, draft amendments to the English version of Note 6 (a) to Chapter 59 are reproduced in the Annex to this document.

Note 6 (a) to Chapter 59 (“textile material”)

6. The Canadian Administration indicated that the expression “of textile material” in Note 6 (a) to Chapter 59, might not cover textile material impregnated, coated, covered or laminated with plastics, or reinforced with metal or other material (see Doc. 42.235, Annex I, paragraph 6). However, it believed that the Note was intended to exclude all belting less than 3 mm in thickness from heading 59.10 and, therefore, suggested that the terms “of textile material” be deleted.
7. The Secretariat felt that the expression “textile material” had a wider scope (see Doc. 42.235, paragraph 21) and covered, in principle, all textile materials of Section XI, including textile fabrics impregnated, coated, covered or laminated with plastics or rubber, provided they fulfil the criteria set out in Notes 2 and 4 to Chapter 59. Consequently, transmission or conveyor belting of textile material combined with plastics or rubber, of a thickness of less than 3 mm, is excluded from heading 59.10 by application of Note 6 (a) to Chapter 59 and is classified in accordance with the legal Notes. The same principle would apply to textile material reinforced with metal or other material. As the Secretariat feels that Note 6 (a) to Chapter 59 is clear, it leaves it to the Sub-Committee to decide whether or not it should be amended. A draft amendment to Note 6 (a) to Chapter 59, as proposed by Canada, is included in the Annex.

Note 6 (b) to Chapter 59 (“textile fabric”)

8. The Canadian Administration also proposed to replace, in Note 6 (b) to Chapter 59 and in the corresponding Note 8 to Chapter 40, the terms “textile fabric” by “textile material”, which would exclude from heading 59.10 belts and belting of felt or nonwoven textile material, impregnated, coated, covered or laminated with rubber. It also pointed out that Note 6 (a) to Chapter 59 included a reference to “textile material”, and the difference between the terms “fabric” and “material” was subtle and could lead to complications (see Doc. 42.235, Annex I, paragraph 5).

9. Present Note 6 (b) to Chapter 59 excludes certain belts and belting of textile fabric from heading 59.10 and directs them to heading 40.10. The expression “textile fabric”, which is defined in Note 1 to Chapter 59, does not include felts of heading 56.02 or nonwovens of heading 56.03. Consequently, if there exist belts or belting of felt or nonwovens, impregnated, coated, covered or laminated with rubber, those articles would remain classified in heading 59.10, provided that the materials in question fulfil the criteria set out in Note 3 to Chapter 56.
10. The Secretariat would point out that the Canadian proposal entails a re-classification of the belts and belting of felt or nonwovens referred to in paragraph 9 above from heading 59.10 to heading 40.10. However, it leaves it to the Sub-Committee to decide. Draft amendments to the relevant Notes are reproduced in the Annex to this document.

Note 1 (e) to Section XVI

11. The English version of Note 1 (e) to Section XVI refers to “belts” only, whereas the French version refers to “courroies”, which covers not only belts but also belting; therefore, the Secretariat suggests that the term “belting” be inserted in the English version of Note 1 (e) to Section XVI, for the sake of consistency. This proposal is set out in the Annex to this document.

III. CONCLUSION

12. Taking into account the Secretariat’s comments above, the Sub-Committee is invited to examine the proposed amendments as set out in the Annex to this document.

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Annexe au Doc. NR0013B1
Annex to

(SCR/19/mars 99)
(RSC/19/March 99)

ANNEXE

AMENDEMENTS A APPORTER EVENTUELLEMENT A LA NOMENCLATURE
CONCERNANT LES COURROIES ET LES MATIERES A COURROIES

(Point II.A.13 de l'ordre du jour)

ANNEX

POSSIBLE AMENDMENTS TO THE NOMENCLATURE
CONCERNING BELTS AND BELTING

(Item II.A.13 on Agenda)

PROCEDURE DE L'ARTICLE 16

AMENDEMENTS DE LA NOMENCLATURE

CHAPITRE 40.

Note 8.

Nouvelle rédaction :

“8.- Le n° 40.10 comprend les courroies transporteuses ou de transmission et les matières à courroies pour courroies transporteuses ou de transmission, en matières textiles imprégnées, enduites ou recouvertes de caoutchouc ou stratifiées avec cette même matière, ainsi que celles fabriquées avec des fils ou ficelles textiles imprégnés, enduits, recouverts ou gainés de caoutchouc.”

CHAPITRE 59.

1. Note 6 a).

Supprimer le terme “en matières textiles”.

2. Note 6 b).

Nouvelle rédaction :

“b) les courroies transporteuses ou de transmission et les matières à courroies pour courroies transporteuses ou de transmission en matières textiles imprégnées, enduites ou recouvertes de caoutchouc ou stratifiées avec cette même matière, ainsi que celles fabriquées avec des fils ou ficelles textiles imprégnés, enduits, recouverts ou gainés de caoutchouc (n° 40.10).”

SECTION XVI.

Note 1 e).

Texte anglais seulement.

ARTICLE 16 PROCEDURE
AMENDMENTS TO THE NOMENCLATURE

CHAPTER 40.

Note 8.

Delete “textile fabric” and substitute “textile material”.

CHAPTER 59.

1. Note 6 (a).

Delete “belting, of textile material” and substitute “belts or belting”.

2. Note 6 (b).

Delete “textile fabric” and substitute “textile material”.

SECTION XVI.

Note 1 (e).

After “belts” insert the following reference :

“or belting,”.
